

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: NOS COMMUNICATIONS, INC.	DOCKET NOS. TCU-01-7 TF-01-106 WRU-01-27-591
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ORDER SUSPENDING THE PROCEEDINGS

(Issued June 26, 2001)

On June 21, 2001, NOS Communications, Inc. (NOS) and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a Joint Motion to Waive Deadline for Determination on Application. The joint motion requested the Utilities Board (Board) waive the statutory deadline in Iowa Code § 476.29(2) (2001) for deciding this case, or in the alternative, that the Board grant a withdrawal of the application without prejudice to NOS' ability to re-file it in the future. The parties request that the procedural schedule and hearing date set forth in the order issued June 15, 2001 be temporarily suspended to allow time for further discussion between the parties.

Although the Board technically does not have the ability to waive a statutory deadline, the deadline is in the statute for the benefit of the parties. In addition, the Board has the authority to allow withdrawal of the application and its re-filing at a later date. By filing their motion, the parties have jointly waived their right to have the Board decide this case within the timeframe established in § 476.29(2). No purpose

would be served by requiring NOS to withdraw its application and re-file it at a later date. Therefore, the joint motion should be granted.

IT IS THEREFORE ORDERED:

1. The joint motion filed by NOS and the Consumer Advocate on June 21, 2001, is hereby granted, and the statutory deadline for decision in this case is waived.

2. The procedural schedule and hearing date established in the June 15, 2001 order are hereby suspended until further order. The parties are to notify the undersigned when they are ready to proceed with the case.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Sharon Mayer
Acting Executive Secretary, Asst. to

Dated at Des Moines, Iowa, this 26th day of June, 2001.